

1  
2  
3  
4  
5  
6  
7  
8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
10

11 WILLIAM ODESSA BROWN, II,  
12  
13 v. Petitioner,  
14 LARRY SMALL, WARDEN,  
15 Respondent.

Case No. 10cv99 BTM(NLS)

**ORDER ADOPTING REPORT AND  
RECOMMENDATION; GRANTING  
MOTION TO DISMISS; AND  
DENYING CERTIFICATE OF  
APPEALABILITY**

16  
17 William Odessa Brown, II, has filed a Petition For Writ of Habeas Corpus, alleging due  
18 process violations resulting from the prison's failure to restore lost credits forfeited due to an  
19 administrative finding of guilt for a rule violation. In a Report and Recommendation filed on  
20 July 19, 2010, Magistrate Judge Stormes recommends that Respondent's motion to dismiss  
21 be granted on the grounds that the Petition fails to challenge the legality or duration of  
22 Petitioner's confinement and is successive.

23 The Court has conducted a de novo review of the Report and Recommendation and  
24 the relevant record and concludes that the Report and Recommendation properly applies the  
25 law to the record. Therefore, the Court **ADOPTS** the Report and Recommendation  
26 and **ORDERS** as follows:

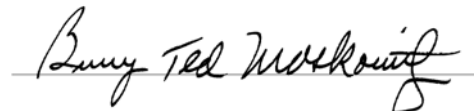
- 27 (1) Respondent's motion to dismiss is **GRANTED**;  
28 (2) The Petition for Writ of Habeas Corpus is **DISMISSED**; and

1 (3) The Court **DENIES** a Certificate of Appealability.

2 The Clerk shall enter a final judgment accordingly.

3 **IT IS SO ORDERED.**

4  
5 DATED: October 18, 2010

6 

7 Honorable Barry Ted Moskowitz  
8 United States District Judge  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28